

Cardillo & Corbett  
Attorneys for Plaintiff  
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James P. Rau (JR 7209)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
PALMYRA SHIPPING & CHARTERING :  
LIMITED, :

Plaintiff, :

-against- :

BORGSHIP TANKERS, :

Defendant. :  
-----x

ECF

AFFIDAVIT PURSUANT  
TO SUPPLEMENTAL

RULE B

08 Civ. 3140(LAK)

STATE OF NEW YORK )  
: ss.:  
COUNTY OF NEW YORK )

JAMES P. RAU, being duly sworn, deposes and  
says:

1. I am a member of the Bar of this Court and a  
member of the firm of Cardillo & Corbett, attorneys for the  
Plaintiff herein. I am familiar with the facts of this case  
and make this affidavit in support of Plaintiff's prayer for  
the issuance of a Writ of Maritime Attachment and Garnishment,  
pursuant to Rule B of the Supplemental Rules for Certain  
Admiralty and Maritime Claims of the Federal Rules of Civil

Procedure.

2. I have attempted to locate defendant, BORGSCHIP TANKERS, within this District. As part of my investigation to locate the Defendant within this District, I examined the telephone company information directory, as well as the white and yellow pages of New York listed on the Internet or World Wide Web, and did not find any listing for the Defendant.

3. The database of the office of the New York State Secretary of State was searched to determine if Defendant is qualified to do business in New York, without result.

4. On information and belief, Defendant, BORGSCHIP TANKERS, was and still is, a foreign corporation, or other business entity, organized under, and existing by virtue of foreign law, with an address at Trust Company Complex, Ajeltake Road, Ajeltake Island, Majuro, Marshall Islands MH96960.

5. In consequence of these inquiries your deponent believes that the Defendant cannot be found within the Southern District of New York.

6. Upon information and belief, Defendant has, or will have during the pendency of this action, tangible and intangible property within the District in the hands of ABN Amro Bank NV, American Express Bank, Banco Popular, Bank Leumi, Bank of America, Bank of China, Bank of Communications Co. Ltd. New York Branch, Bank of New York, Barclays Bank, BNP Paribas,

Calyon, Citibank, Commerzbank, Deutsche Bank, HSBC (USA) Bank, J.P. Morgan Chase, Standard Chartered Bank, Societe Generale, UBS AG and/or Wachovia Bank, in the form of accounts and/or fund transfers identified as follows:

- a) accounts in the name of BORGSHP TANKERS, or
- b) electronic funds transfers listing BORGSHP TANKERS, as a beneficiary of the funds transfer, or
- c) electronic funds transfers showing BORGSHP TANKERS, as the remitting party or ordering customer.

7. This is Palmyra Shipping & Chartering Limited's first request for this relief.

WHEREFORE, PALMYRA SHIPPING & CHARTERING LIMITED respectfully requests that the Court authorize the issuance of process in the form of a Writ of Maritime Attachment and Garnishment seeking attachment and garnishment of BORGSHP TANKERS's tangible and intangible property within this District.

  
JAMES P. RAU

Sworn to before me this  
27<sup>th</sup> day of March, 2008

  
NOTARY PUBLIC

CHRISTOPHIL B. COSTAS  
Notary Public, State of New York  
No. 31-0773693  
Qualified in New York County  
Commission Expires April 30, 2011